(3)

In the High Court of Judicature at Bilaspur
Chhattisgarh SINGLE BENCH

Writ Petition Number-2408 /2006

Petitioner - B.R.Satyvanshi
Aged About-59 Yrs.
S/o Shri Ramadhar Satyvanshi
Post-BEO, Khairagarh,
Address -Shivmandir, Khairagarh, Tehsil-Khairagarh, Distt-Rajnandgaon.

P.R. No. 2462/06
Presented by Shri Azad Shrivastava
dated 5/5/06

VERSUS

Respondents - 1- State of Chhattisgarh
Through Secretary
D.K.S.Bhawan, Mantralaya,
Raipur (C.G.)
2- The Director
Lok Sikshan Sanchnalaya
(Director of School Education)
Raipur (C.G.)
3- District Education Officer
Rajnandgaon (C.G.)

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Writ Petition Under Article 226/227 Constitutions of India

आदेश पत्रक

मामला क्रमांक W.P.2408 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.5.2006:-

Mr. Azad Siddique, counsel for the petitioner.

Mr. Ashutosh Kachchwaha, Govt. Advocate for the State/ respondents.

Heard both the counsel.

By the instant petition, the petitioner has questioned validity and propriety of the order dated 24-4-2006 whereby he has been transferred from the post of Block Education Officer, Khairagarh to Govt. Higher Secondary School, Mohara, Rajnandgaon.

It is settled law that the transfer is an incident of service and same cannot be questioned before the Court of law unless such order is passed *malafidely* or in violation of rule of service or guidelines or transfer is made without any proper justification. In the catena of judgments this view has been taken by the Hon'ble Apex Court.

The only allegation of the petitioner in para-6.3 of the petition is that the petitioner has been transferred due to *malafide* intention of respondent No.3 as he made a complaint to respondent No.2. It is also settled law that the petitioner is required not only to raise grounds of *malafide* of respondents, but to establish the same with material. Merely mentioning in the petition that the transfer has been made for *malafide* reasons, same cannot be said to be established. Moreover, perusal of the record shows that vide order dated 28th March 2006 the petitioner was placed under suspension on the ground that he made transfers of certain teachers without prior approval of the competent authority.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	In view of the above, I am of the considered opinion that the petitioner has not been able to make out a case for interference by this Court under Article 226/227 of the Constitution of India. I do not find any substance in this petition, same is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P. No.1824/2006 and I.A. No.4801/2006 also stand disposed of. Sd/- L.C. Bhadoo Judge	